

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

UNITED STATES OF AMERICA,)	
)	
<i>Plaintiff</i>)	
)	
v.)	Case No. 4:21-cr-005-O-1
)	
THE BOEING COMPANY,)	
)	
<i>Defendant.</i>)	
_____)	

**UNOPPOSED MOTION BY NAOISE CONNOLLY RYAN ET AL. FOR AN EXTENSION
OF TIME TO FILE A REPLY REGARDING REMEDIES**

Naoise Connolly Ryan et al.¹ (the “victims’ families” or “families”), through undersigned counsel, respectfully submit this unopposed motion seeking an extension of time from Friday, November 18, to Tuesday, November 22, to file the families’ supplemental reply brief on remedies.

In earlier proceedings, this Court found that the Government had violated the Crime Victims’ Rights Act (CVRA) rights of the families (Dkt. 116) and, ultimately, allowed the Government and Boeing to file supplemental briefing on the issue of what remedies the families should receive for the Government’s violation of their rights (Dkt. 123). Late on the evening of Friday, November 11, the Government filed a twelve-page supplemental brief regarding remedies (Dkt. 128) and Boeing filed an eighteen-page supplemental brief regarding remedies (Dkt. 129).

¹ In addition to Ms. Ryan, the other victims’ family members filing this motion are Emily Chelangat Babu and Joshua Mwazo Babu, Catherine Berthet, Huguette Debets, Luca Dieci, Bayihe Demissie, Sri Hartati, Zipporah Kuria, Javier de Luis, Nadia Milleron and Michael Stumo, Chris Moore, Paul Njoroge, Yuke Meiske Pelealu, John Karanja Quindos, Guy Daud Iskandar Zen S., and others similarly situated. They are supported by more than one hundred other families.

The issues that the Government and Boeing present are complex and will require a detailed response from the families.

Under the current scheduling order, the families' reply brief is due on Friday, November 18. However, as discussed in the families' contemporaneously filed Motion for a Finding that the Government Has Violated the Crime Victims' Rights Act by Failing to Confer Before Filing Its Remedies Brief, the Government has organized a videoconference and in-person meeting with the 346 families in this case on the same day—i.e., on Friday, November 18. Undersigned counsel is lead counsel for the families in this case and will be the principal drafter of the families' reply brief on remedies. But because some of his clients will be attending the Justice Department's in-person meeting in Washington, D.C., he will fly from Utah to Washington, D.C. on Thursday, November 17, to join them for the meeting; he will then fly home to Utah on Friday, November 18. Undersigned counsel is handling this matter pro bono and also has teaching and other obligations for his principal employer, the University of Utah College of Law.

Two other attorneys of record who are working closely with undersigned counsel in the matter—Tracy A. Brammeier and Erin R. Applebaum—will also be flying to and from Washington, D.C. on November 17 and 18.

In view of these travel and meeting plans, the families will essentially have two fewer workdays to prepare their response brief than they would otherwise have. Two additional workdays are needed to research the issues raised by the Government and Boeing and to draft a comprehensive and detailed response. Accordingly, the families seek an additional two workdays

to file their reply—i.e., until Tuesday, November 22.²

Conclusion

For the foregoing reasons, the families’ respectfully request that the Court grant their Unopposed Motion for an Extension of Time to File a Reply Regarding Remedies and allow the families to file their reply on November 22, 2022.

Dated: November 14, 2022

Respectfully submitted,

/s/ Warren T. Burns

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² If the Court decides to grant the families’ currently pending Motion for a Finding that the Government Has Violated the Crime Victims’ Rights Act by Failing to Confer Before Filing Its Remedies Brief, that would produce a small, further extension of time for briefing in this matter. The families propose in their motion that the Government and Boeing would re-file remedies briefing on November 22 and the families would reply on December 5. Because the Court has yet to rule on that motion, the families are seeking an extension of time now for their brief, so that they have sufficient time to appropriately research, draft, and file their reply regardless of the outcome of that motion.

CERTIFICATE OF CONFERENCE

On November 13 and 14, 2022, the victims' representatives conferred with the Government and Boeing regarding this motion. The parties take the position that the motion is unopposed.

/s/ Paul G. Cassell
Paul G. Cassell

CERTIFICATE OF SERVICE

I certify that on November 14, 2022, the foregoing document was served on the parties to the proceedings via the Court's CM/ECF filing system.

/s/ Paul G. Cassell
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